

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: AUTOMOTIVE PARTS ANTITRUST
LITIGATION

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Master File No. 12-md-02311
Honorable Marianne O. Battani

THIS DOCUMENT RELATES TO :
ALL ACTIONS

**PLAINTIFFS' COLLECTIVE MOTION TO EXTEND
DEADLINE TO FILE RESPONSE TO THE MOTION AND BRIEF OF THE
UNITED STATES TO INTERVENE AND FOR A TEMPORARY
AND LIMITED STAY OF CERTAIN DISCOVERY**

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Automobile Dealer and End-Payor
Plaintiffs for purposes of this Motion

ARGUMENT

On July 8, 2013, the Antitrust Division of the United States Department of Justice (“the Antitrust Division”) filed a Motion and Brief of the United States to Intervene and for a Temporary and Limited Stay of Certain Discovery. (Doc. No. 556). Pursuant to the Federal Rules of Civil Procedure and the Local Rules of the Eastern District of Michigan, the deadline to respond to the Antitrust Division’s Motion is July 24, 2013. All Plaintiffs in the Automotive Parts Antitrust Litigation—including Direct Purchaser Plaintiffs, End-Payor Plaintiffs and Automobile Dealer Plaintiffs—seek an extension of the deadline to respond to the Antitrust Division’s Motion. **The Antitrust Division does not oppose Plaintiffs’ request for an extension.**

Plaintiffs respectfully request that the Court enter an Order—attached hereto as Exhibit 1 and submitted separately via ECF utility—permitting Plaintiffs to file Response brief[s] on or before August 21, 2013. Plaintiffs believe this request is warranted because they are currently engaged in discussions with the Antitrust Division which may fully resolve the issues in the Antitrust Division’s Motion. Although a full resolution has not yet been achieved, Plaintiffs’ are cautiously optimistic that the few remaining differences can be overcome. Extending the Response deadline will allow the parties to continue to engage in discussions that could resolve the Antitrust Division’s Motion, without the need for Court intervention.

Granting the relief sought by Plaintiffs is well within the discretion of this Court. *See e.g. Slaven v. Spirit Airlines, Inc.*, 2009 U.S. Dist. LEXIS 99712, **7-8 (E.D. Mich. Oct. 27, 2009) (finding a schedule may be modified for good cause, a standard met when the moving party has diligently attempted to meet the current deadline and no prejudice to the opposing party will

result) (citing *Leary v. Daeschner*, 349 F.3d 888, 906 (6th Cir. 2003)); *see also JAT, Inc. v. Nat'l City Bank*, 2007 U.S. Dist. LEXIS 82907, **7-8 (E.D. Mich. Nov. 8, 2007).

CONCLUSION

For the reasons stated above, Plaintiffs respectfully request that this Court enter an Order permitting them to file Response[s] to the Antitrust Division's Motion on or before August 21, 2013.

Dated: July 23, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2013, I electronically filed the foregoing paper with the Clerk of the court using the ECF system which will send notification of such filing to all counsel of record registered for electronic filing.

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